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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of a utility or plant application
filed on or after June 8, 1995,

See the American Inventors Protection Act of 1999 (AIPA)

Application Number	09/689,281
Filing Date	October 11, 2000
First Named Inventor	Stephen C. Cosenza
Group Art Unit	1617
Examiner Name	Mojdeh Bahar
Attorney Docket Number	6056-277

TECH CENTER 1600/2900

AUG 15 2002

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This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of an RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE Practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed _____
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply 08/12/2002 AWONDAF1 00000013 09689281
- ii. ☐ Affidavit(s)/Declaration(s) 01 FC:279 370.00 OP
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Petition for Extension of Time - 1 month (37 C.F.R. 1.136(a))

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. Other _____

3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) - Applicant is a small entity.
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) for one month - Applicant is a small entity.
- iii. ☐ Other _____
- a. ☐ The Director is hereby authorized to charge the indicated fees to Deposit Account No. _____
- b. ☒ A check in the amount of \$ 425.00 _____ is enclosed to cover the indicated fees.
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)
- d. ☒ Please charge any additional fees, or credit any overpayment, to Deposit Account No. 50-0573.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Daniel A. Monaco	Registration No. (Attorney/Agent)	30,840
Signature	<i>Daniel A. Monaco</i>	Date	8-5-02

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Box RCE, Commissioner for Patents, Washington, DC 20231

Name (Print/Type)	Terrill S. Williams		
Signature	<i>Terrill S. Williams</i>	Date	August 5, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.

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PATENT
8/21/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent application of
Stephen C. Cosenza, et al.

Atty. Docket:
6056-277

Serial No.: 09/689,281

Group Art Unit:
1617

Filed: October 11, 2000

Examiner:
Bahar, M.

For: METHOD FOR PROTECTING NORMAL
CELLS FROM CYTOTOXICITY OF
CHEMOTHERAPEUTIC AGENTS

**RESPONSE TO OFFICE ACTION AS SUBMISSION
WITH REQUEST FOR CONTINUED EXAMINATION
PURSUANT TO 37 CFR §1.114**

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Commissioner for Patents
Washington, D.C. 20231

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Sir:

This is in response to a final rejection mailed from the U.S. Patent Office on April 10, 2002 (paper no. 12). A Request for Continued Examination (RCE) Under 37 CFR §1.114 and fee is being submitted concurrently with this response. Per the petition and fee submitted herewith, Applicants invoke the benefit of 37 CFR 1.136 to secure a one-month extension of time up to and including August 10, 2002.

Pursuant to 37 CFR §1.114(d), withdrawal of the finality of the Office Action mailed April 10, 2002 is requested as well as entry and consideration of this response. Please charge any

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)	
I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.	
BY	<u>Gene S Williams</u>
DATE:	<u>August 5, 2002</u>